



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107

328607  
ORIGINAL  
(RED)

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

JUL 12 1994

Allied-Signal, Incorporated  
101 Columbia Road  
Law Department  
Morristown, NJ 07962

Attn: David P. Cooke, Esquire

**Re: Inadequate Response to Letter Requiring Submission of  
Information Hanlin-Allied-Olin Site**

Dear Mr. Cooke:

On May 11, 1994, the U.S. Environmental Protection Agency (EPA) issued Allied-Signal Incorporation ("Allied") a letter (a copy of which is enclosed) requiring Allied to provide information and/or documents relating to the above-referenced Site, pursuant to Section 104(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e)(2). By letter dated June 10, 1994, Allied submitted a response to EPA's request for information. Allied's letter does not constitute an adequate response for the following reasons: 1) It failed to answer questions 6, 7, 9, and 10; 2) Allied failed to adequately justify its failure to respond to the previously referenced questions; 3) Allied did not provide any information prior to 1976 in response to question 8, and 4) Allied appeared to limit its response to that property which was ultimately sold to Hanlin Chemicals-West Virginia, Inc. Allied's response should have encompassed the property now and/or previously owned by Allied, Olin Corporation and Hanlin Chemicals-West Virginia, Inc.

Allied must provide a separate and complete narrative response to: 1) questions 6, 7, 8, 9, and 10 contained in EPA's May 11, 1994, letter; and 2) if Allied limited its June 10, 1994, response to any questions to just the property that was sold to Hanlin Chemicals-West Virginia, Inc., then Allied must resubmit answers to questions 1 through 10 for entire Site property, or justify adequately Allied's failure to respond, within seven (7) calendar days of Allied's receipt of this letter. This seven day period, however, is not to be construed as an extension of the original deadline and does not excuse any violation for failure to respond to the initial letter.

**NOTICE OF POTENTIAL ENFORCEMENT ACTION**

EPA hereby advises Allied that its failure to respond fully and truthfully to each referenced question, or to justify adequately its failure to respond, may subject Allied to an enforcement action by EPA, pursuant to Section 104(e)(5)(A) of CERCLA, 42 U.S.C. § 9604(e)(5)(A). This section authorizes EPA to issue an order directing compliance with an information request made under the statute "after such notice and opportunity for consultation as is reasonably appropriate under the circumstances." This letter constitutes such notice.

EPA hereby advises Allied that it may also seek judicial enforcement of its information request. Section 104(e)(5)(B) of CERCLA, 42 U.S.C. § 9604(e)(5)(B), allows EPA to seek judicial enforcement of an information request and authorizes the federal district courts to assess a civil penalty not to exceed \$25,000 for each day of non-compliance.

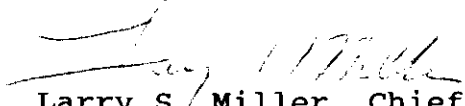
All documents and information should be submitted to:

Joan Armstrong (3HW11)  
U.S. Environmental Protection Agency  
841 Chestnut Building  
Philadelphia, PA 19107

Be advised that the provision of false, fictitious or fraudulent statements or representations may subject you to criminal sanctions under 18 U.S.C. § 1001.

If you have any questions concerning this matter, please contact Joan Armstrong at (215) 597-0531. Legal questions should be directed to Christina Valente, Esquire, at (215) 597-3602.

Sincerely,

  
Larry S. Miller, Chief  
PRP Search Section

Enclosure

cc: C. Valente, 3RC33  
J. Armstrong, 3HW11  
D. Iacono, 3HW41  
C. Wagner, 3HW33



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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841 Chestnut Building  
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MAY 11 1994

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Allied-Signal, Incorporated  
101 Columbia Road  
Law Department  
Morristown, NJ 07962

Attn: David P. Cooke, Esquire

Re: Hanlin-Allied Site  
Moundsville, West Virginia

Dear Mr. Cooke:

The U.S. Environmental Protection Agency ("EPA") is seeking information concerning a release, or the threat of release, of hazardous substances, pollutants or contaminants into the environment at the Hanlin-Allied Site, Moundsville, West Virginia (the "Site"). Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e), Allied-Signal, Incorporated (formerly known as Allied Chemical & Dye Corporation and f/k/a Allied Chemical Corporation) ("Allied") is required to furnish all information and documents in its possession, custody or control, or in the possession, custody or control of any of its employees or agents which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and/or pollutants and/or contaminants as defined by Section 101(33), 42 U.S.C. § 9601(33), which were transported to, stored, treated, or disposed of at the Site or the surrounding area (see enclosed location map).

Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

Instructions for responding to this required submission of information are provided below. Please respond for all materials which are hazardous or potentially hazardous.

As used herein, the term "documents" means: writings (handwritten, typed, or otherwise produced or reproduced) and includes, but is not limited to, any invoices, checks, receipts, bills of lading, weight receipts, toll receipts, correspondence, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, books of original entry, minutes of meetings, memoranda, notes, calendar or daily entries, agendas, bulletins, notices, announcements, charts, maps, photographs, drawings, manuals, brochures, reports of scientific study or investigation, schedules, price lists, telegrams, teletypes, phono-records, magnetic voice or video records, tapes, summaries, magnetic tapes, punch cards, recordings, discs, computer printouts, or other data compilations from which information can be obtained or translated.

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Instructions for responding to the inquiries are as follows:

- a) A separate narrative response must be made for each question set forth, and for each subpart of each question.
- b) Precede each answer with the corresponding number of the question and subpart to which it responds.
- c) Provide the name, address, telephone number and job title of each person assisting you in the preparation of your responses.
- d) In the event information or documents responsive to the inquiry are not available, state what steps were taken to obtain the information or documents.

#### QUESTIONS

1) Provide the dates that Allied owned and operated any portion of the Site.

2) Identify the person(s) from whom Allied purchased any portion of the Site. Include in your response the last known address, contact person.

3) At the time Allied purchased any portion of the Site, describe the operation being conducted.

4) Describe the nature of Allied's operations conducted at Site during the time period in which Allied owns and/or owned a portion of the Site.

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5) Identify all substances (hazardous and/or non-hazardous) (i.e., raw materials) used in the operations described above and provide Material Safety Data Sheets (MSDSs) for all such substances.

6) Identify all by-products and wastes produced through the operations (including generic or brand name and chemical composition). With respect to each such by-product and waste identified, further provide:

a) the nature of each such by-product or waste produced during the time in which Allied owned and operated a portion of the Site, including chemical content, characteristics, and physical state (i.e., liquid, solid);

b) the annual quantity of each such by-product and waste produced during the operations;

c) the process for which each such by-product or waste was generated; and

d) the chemical analyses for each by-product or waste generated.

7) Describe the methods used by Allied to dispose of or treat each such substance, by-product and waste described in Question #6(a-d). Please provide all relevant information and documentation as it relates to this question, including;

a) If each such substance, by-product and waste was disposed of on any portion of the Site, please provide a description of where the disposal occurred and the time-frame that such disposal occurred. Your response should include a map detailing such disposal locations; and

b) If such disposal locations were subsequently closed (either formally or otherwise), provide the methods, procedures, plans, etc., if any, that were followed in closing such locations.

8) Did Allied ever spill or cause a release of any chemicals, hazardous substances, and/or hazardous waste at or near the Site? If the answer is yes, identify the following:

a) the date(s) the spill(s)/release(s) occurred;

b) the composition (i.e. chemical analysis) of the materials which were spilled/released; and

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c) the response made by you or on your behalf with respect to the spill(s)/release(s).

9) Did you or any person or entity on Allied's behalf ever conduct any environmental (remedial, removal, ecological, human health, hydrogeological, etc.) assessments and/or investigations on any portion of the Site? If so, please list and provide all documents pertaining to such assessments or investigations.

10) Identify whether any sampling or other field activities have taken place, or are taking place, at any portion of the Site owned by Olin Corporation to monitor or assess soil, groundwater or other environmental media. Please describe all activities and provide any documents (other than those already documented to be in EPA's possession) relating to the procedures followed and the results obtained from such activities (e.g. sampling plans, analytical results, etc.)

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you.

EPA may contract with one or more of the following independent contracting firms to review the documentation, including documents which you claim are confidential business information ("CBI") which you submit in response to this information request, depending on available agency resources. The contractor will be filing, organizing, analyzing and/or summarizing the information for agency personnel. EPA's contractors are: Booz-Allen & Hamilton, Inc. (subcontractors to Booz Allen & Hamilton, Inc. are: CDM-Federal Programs Corporation, Dynamac Corporation, PRC Environmental Management, Inc., and CACI, Inc., Hydraulic & Water Resources Engineers, Inc., Investigative Consultant Services, Inc., Northeast Investigations, and Tri-State Enterprises), CH2MHill, Black & Veatch Waste Science and Technology Corporation, TetraTech, Inc., Ecology & Environment, Inc., Halliburton NUS Corporation (formerly known as Halliburton NUS Environmental Corporation), Environmental Technology, Inc., and Roy F. Weston, Inc. operating under contract numbers 68-W4-0010, 68-W8-0090, 68-W8-0091, 68-W8-0092, 68-W8-0085, 68-W8-0037, 68-S2-3002, and 68-W0-0036, respectively. These contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that

they handle for EPA. Section 104 of the Superfund law, and EPA's regulations at 40 C.F.R. § 2.310 provide that EPA may share such CBI with contractors. If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of these entities, you must notify EPA at the time you submit such documents.

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All documents and information should be sent to:

Joan Armstrong (3HW11)  
U.S. Environmental Protection Agency  
841 Chestnut Building  
Philadelphia, PA 19107

You must respond in writing to this required submission of information within **twenty (20) calendar days** of your receipt of this letter. For a corporation, the response must be signed by an appropriately authorized corporate official of that entity. For other entities, the response must be signed by an authorized official of that entity. If, for any reason, you do not provide all information responsive to this letter, in your answer to EPA you must: (1) describe specifically what was not provided, (2) supply to EPA a clear identification of the document(s) not provided, and (3) provide to EPA an appropriate reason why the document(s) was not provided.

If you have any question concerning this matter, please contact Joan Armstrong at (215) 597-0531. Specific legal questions should be referred to Christina M. Valente, Esq. at (215) 597-3602.

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, et seq.

Sincerely,

  
Larry S. Miller, Chief  
PRP Search Section

Enclosure

cc: C. Valente, 3RC33  
J. Armstrong, 3HW11  
D. Iacono, 3HW41  
C. Wagner, 3HW33  
Max Robertson, WV Dept. of Natural Resources

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-FIGURE 1-  
HANLIN-ALLEY SITE

SCALE 1:25,000

ROAD CLASSIFICATION

Major Road	Light Duty
Medium Duty	Unimproved dirt
U.S. Route	State Route

BUSINESSBURG, OHIO-W. VA.

NAD 83 CLARINGTON 15 QUADRANGLE  
N 3952.5-W 8045/7.8

PHOTOREVISED 1972

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS  
FOR SALE BY U.S. GEOLOGICAL SURVEY, RESTON, VIRGINIA 22092  
FOR DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON



# ROUTING AND TRANSMITTAL SLIP

Date

7-12-94

TO: (Name, office symbol, room number, building, Agency/Post)

1. W. Jacobs

3 HW 41

2.

3.

4.

5.

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

JUL 12 1994

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)

Room No.—Bldg.

Phone No.

OPTIONAL FORM 41 (Rev. 7-76)  
Prescribed by GSA  
FPMR (41 CFR) 101-11.208

5041-102

☆ U.S.G.P.O.: 1993 342-198/50007